

The Municipal Board

**Annual Report
2005**

Manitoba 



THE MUNICIPAL BOARD OF MANITOBA

1144 - 363 Broadway
Winnipeg, Manitoba R3C 3N9

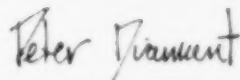
February 27, 2006

Honourable Scott Smith
Minister of Intergovernmental Affairs and Trade
Room 301 - Legislative Building
Winnipeg, MB R3C 0V8

Dear Minister:

In accordance with Section 106 of *The Municipal Board Act*, I am pleased to submit the Annual Report of The Municipal Board for the year ending December 31, 2005.

Yours Respectfully,

A handwritten signature in dark ink, appearing to read "Peter Diamant". The signature is fluid and cursive, with the first name "Peter" and last name "Diamant" clearly distinguishable.

Peter G. Diamant
Chair



THE MUNICIPAL BOARD
ANNUAL REPORT FOR THE YEAR ENDING
DECEMBER 31, 2005
C O N T E N T S

	<u>Page</u>
Remarks from Chair	1-2
Remarques du Président	2(a)-2(b)
Summary of Applications, Appeals and Referrals - 2004 and 2005	
Organization Chart	3
Mission Statement and Goals	4
Members	5
Case Management Files	6
Consolidated Summary of 2004 and 2005 Activity	7
Miscellaneous Acts	8
The Municipal Act	9-13
The Municipal Assessment Act	14-16
The Municipal Board Act	17-20
The Planning Act	21-24
The Water Rights Act	25
The Special Survey Act	26
The Public Libraries Act	27-28
The Real Property Act	29
 Capital Borrowing of Local Authorities	 30-31
 Authorized Municipal Borrowing By-laws	 32-36
 Statement of Revenue (Unaudited)	 37



REMARKS FROM THE CHAIR

The Municipal Board is established under *The Municipal Board Act* and is required to report annually to the Minister of Intergovernmental Affairs and Trade on the activities of the Board for the previous year.

The full complement of the Board, as of December 31, 2005, is 43 Members, including the Chair, Vice Chair and 5 Acting Chairs. The Board holds regular meetings of the Acting Chairs to keep the Acting Chairs and Members informed of the complex issues facing the Board.

A summary of the applications made to the Board over the past year is set out on page 7 of this Report. As of January 1, 2005, there were 1,087 outstanding applications, appeals and referrals, of which 1,021 were Winnipeg Assessment Appeals. During the year, 935 new matters were received and 788 matters were dealt with leaving 1,234 outstanding applications, appeals and referrals as of December 31, 2005.

The Board has duties and responsibilities assigned to it under a number of Acts of the Legislature. The majority of the Board's activities, however, are directed towards Assessment Appeals under *The Municipal Assessment Act* and *The City of Winnipeg Charter*. Of the 2,022 applications, appeals and referrals before the Board during 2005, 1,817, or 89.9%, were Appeals respecting the assessment and classification of property. Of those, 1,613 Appeals were for properties in The City of Winnipeg.

The general reassessment in 2005 of all properties in Manitoba has resulted in an increase in the number of Assessment Appeals received by the Board. In 2005 the Board received 770 Assessment Appeals, an increase of 537 Appeals over 2004. As a comparison, in 2001, which was the year of the previous reassessment, the Board received 1,053 Assessment Appeals. Over the four year period of the previous assessment cycle, the Board received 2,652 Appeals respecting the assessment and classification of property in Manitoba.

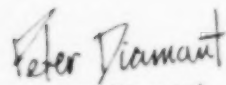
The City of Winnipeg continues to have difficulty scheduling hearings for Appeals and, in 2005, the Board was faced with nearly a thousand outstanding City of Winnipeg Assessment Appeals. In order to reduce the backlog, the Board initiated a Case Management strategy and the Board dealt with 273 Assessment Files through Case Management. Of those files, 189, or 69.2%, were disposed of without going to hearing. Given the success of the Case Management strategy, the Board anticipates expanding the strategy for the 2005 reassessment cycle. To facilitate an increase in the number of Appeals that go to Case Management, the Board has met with the City Assessor and will meet with the City and Provincial Assessors and Agents, who represent many of the property owners at hearings, to discuss the process.

The increase in 2005 in the number of Assessment Appeals resulting from the reassessment includes a large number of high value commercial properties. The Board anticipates many complex and lengthy hearings with an increase in the number of pre-hearing conferences. In preparation for the reassessment cycle and the increase in the number of hearings, a number of Board Members have participated in training sessions and conferences on the role and responsibilities of Administrative Tribunals.

The number of hearings and referrals relating to *The Planning Act* and *The Municipal Act* has remained constant and the Board has seen a modest increase in other types of hearings. The Board did not hold any inquiries of its own motion in 2005, nor did it issue any licenses, permits or certificates. The fees collected by the Board are summarized on page 37.

The Board Website, www.gov.mb.ca/municipalboard, established in 2003 to assist applicants in preparing and presenting their appeals before the Board and to increase awareness of the Assessment Appeal process, is being expanded and improved.

In conclusion, I wish to express my thanks and appreciation to the Members of the Board for their co-operation and support. The Members have responded to the increase in the complexity and length of hearings with dedication and commitment to the process. As Chair, I must acknowledge the significant role of the Administration and Staff in ensuring that the Board functions smoothly and efficiently. The Staff's hard work plays an important part in the Board meeting the challenges it faces. I thank them for their contribution to the success of The Municipal Board in carrying out its mandate.



Peter G. Diamant
Chair

REMARQUES DU PRÉSIDENT

La Commission municipale, établie en vertu de la *Loi sur la Commission municipale*, doit faire rapport tous les ans au ministre des Affaires intergouvernementales et du Commerce sur ses activités exercées au cours de l'année précédente.

Au 31 décembre 2005, la Commission municipale comptait 43 membres, notamment le président, le vice-président et cinq présidents suppléants. La Commission a tenu des réunions ordinaires des présidents suppléants afin de tenir les présidents suppléants et les autres membres au courant des questions complexes dont elle doit s'occuper.

On trouvera, à la page 7 du présent rapport, un sommaire des demandes soumises à la Commission au cours de la dernière année. Au 1^{er} janvier 2005, 1 087 demandes, appels et renvois étaient en suspens devant la Commission, dont 1 021 appels interjetés contre l'évaluation fixée par la Ville de Winnipeg. Durant l'année, la Commission a été saisie de 935 nouvelles affaires et a traité 788 demandes, ce qui a laissé en tout, au 31 décembre 2005, 1 234 demandes, appels et renvois en suspens.

Des fonctions et des responsabilités sont conférées à la Commission par un certain nombre de lois de l'Assemblée législative. La majorité des activités de la Commission sont toutefois axées sur les appels liés à l'évaluation déposés en vertu de la *Loi sur l'évaluation municipale* et de la *Charte de la Ville de Winnipeg*. Parmi les 2 022 demandes, appels et renvois devant la Commission durant 2005, 1 817 d'entre eux, soit 89,9 %, étaient des appels liés à l'évaluation et au classement de propriétés. De ces appels, il y en avait 1 613 qui visaient des propriétés dans la Ville de Winnipeg.

En raison de la réévaluation générale de toutes les propriétés au Manitoba en 2005, il y a eu une augmentation du nombre d'appels liés à l'évaluation reçus par la Commission. En 2005, la Commission a reçu 770 appels liés à l'évaluation, soit 537 appels de plus qu'en 2004. À titre de comparaison, la Commission a reçu 1 053 appels liés à l'évaluation en 2001, qui est l'année de la dernière réévaluation. Au cours de la période de quatre ans du cycle d'évaluation précédent, la Commission a reçu 2 652 appels liés à l'évaluation et au classement de propriétés au Manitoba.

La Ville de Winnipeg continue d'avoir quelques difficultés à fixer des audiences pour les appels. En 2005, la Commission a été confrontée à presque 1 000 appels en suspens liés à l'évaluation foncière fixée par la Ville de Winnipeg. Afin de réduire le nombre d'appels en suspens, la Commission a établi une stratégie de gestion des cas qui a permis de traiter 273 dossiers d'évaluation. De ces dossiers, 189 ou 69,2 % ont été traités avant d'en arriver à une audience. Grâce à la réussite de la stratégie de gestion des cas, la Commission prévoit élargir la stratégie pour le cycle de réévaluation de 2005. Afin de traiter un plus grand nombre d'appels au moyen de la gestion des cas, la Commission a rencontré l'évaluateur de la Ville et rencontrera les évaluateurs et les agents de la Ville et de la Province, qui représentent beaucoup de propriétaires fonciers pendant les audiences, pour discuter du processus.

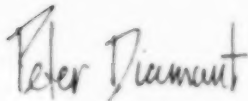
Beaucoup de propriétés commerciales à valeur élevée sont comprises dans l'augmentation du nombre d'appels liés à l'évaluation en 2005 qui sont attribuables à la réévaluation. La Commission prévoit un nombre élevé d'audiences complexes et de longue durée, ainsi qu'une hausse du nombre de conférences préalables aux audiences. Afin de se préparer pour le cycle de réévaluation et pour l'augmentation du nombre d'audiences, un certain nombre de membres de la Commission ont participé à des séances de formation et à des conférences sur le rôle et les responsabilités des tribunaux administratifs.

Le nombre d'audiences et de renvois liés à la *Loi sur l'aménagement du territoire* et à la *Loi sur les municipalités* est demeuré inchangé. Le nombre d'autres types d'audiences a légèrement augmenté. En 2005, la Commission n'a pas mené d'enquêtes de son propre chef et n'a pas non plus délivré de licences, de permis ou de certificats. On trouvera à la page 37 du présent rapport un sommaire des droits perçus par la Commission.

Le site Web de la Commission, à l'adresse www.gov.mb.ca/municipalboard, est en train d'être amélioré et élargi. Mis sur pied en 2003, ce site Web vise à mieux renseigner la population sur le processus d'appel et à informer les requérants sur la façon de préparer leur appel et de le présenter à la Commission.

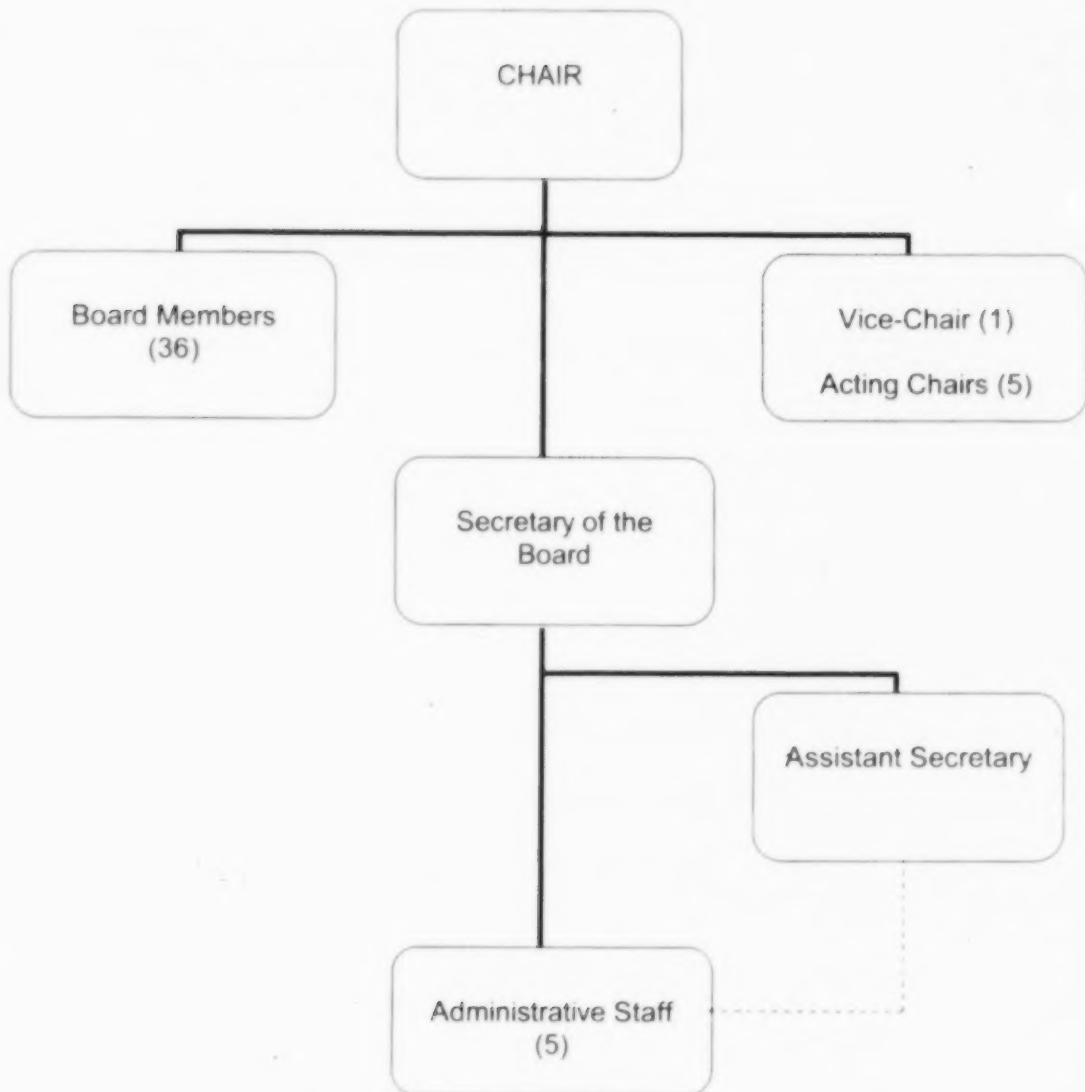
En terminant, j'aimerais exprimer mes remerciements et ma gratitude à tous les membres de la Commission pour leur collaboration et leur appui. Ils ont répondu à l'augmentation de la complexité et de la durée des audiences avec dévouement et persévérance. En tant que président, je me dois de saluer le rôle important joué par la direction et le personnel afin d'assurer le fonctionnement harmonieux et efficace de la Commission. Grâce à leurs efforts soutenus, la Commission peut relever les défis qui se présentent à elle. Je les remercie de leur contribution au succès de la Commission dans l'exécution de son mandat.

Le président,



Peter G. Diamant

THE MUNICIPAL BOARD
ORGANIZATION CHART



THE MUNICIPAL BOARD OF MANITOBA

ROLE

Section 15(2) of *The Municipal Board Act* states:

"The board shall sit at such times and places within the province as the chairman may designate; and it shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of business".

MISSION STATEMENT

To deal with matters that come before the Board in a fair, impartial and timely manner.

GOALS

- To process appeals and applications as expeditiously as possible.
- To conduct hearings in accordance with legislative procedures and natural justice for all parties involved.
- To render readable, reliable and quality decisions in a timely manner.
- To communicate with the general public on the role of the Board and the appeal process.
- To review and update Board policies and procedures to ensure service is provided in a timely manner and in accordance with the applicable legislation.
- To review and update administrative procedures.

THE MUNICIPAL BOARD OF MANITOBA

Peter G. Diamant, Chair

MEMBERS (2005)

Inongé Aliaga LaBun, Winnipeg
Bill Barlow, Gimli
Ardythe Basham, Winnipeg
John Blewett, Winnipeg
Grant Buchanan, The Pas
George Corbett, Winnipeg
Douglas Dobchuk, Winnipeg
Neil Harden, Winnipeg
Ed Hart, Minitonas
William Hinthier, Winnipeg
Jim Husiak, Winnipeg
Cyril Keeper, Winnipeg
Don Kille, Brandon
Dave Lethbridge, Stonewall
Robert G. Loiselle, Winnipeg
Nora Losey, Winnipeg
Budd Mager, Lac du Bonnet
Greg Mandzuk, Winnipeg
Ross Martin, Winnipeg
Monique Mulaire, Winnipeg
Jim Neil, Winnipeg

Russell Newton, Neepawa
Jack Nicol, Dugald
Charlotte Onski, Winnipeg
Chris Pawley, Selkirk
John Plohman, Winnipeg
Arthur Proulx, Winnipeg
Garth Rice, Brandon
Mario Santos, Winnipeg
Leona Schroeder, Winnipeg
Meir Serfaty, Brandon
Wendy Sigmar, Winnipeg
Michelle Smith, Lorette
Lawrence Paul Stene, Winnipeg
Morgan Svendson, Winnipeg
Darlene Swiderski, Selkirk
Frank Thibedeau, Winnipeg
Ram Tiwari, Winnipeg
Sudesh K. Treon, Winnipeg
Marilyn Walder, Winnipeg
Grant Wichenko, Winnipeg

Denis Guénette, Vice Chair
Rose Gibbons, Secretary of the Board

EMPLOYEES

Assistant Secretary
Administrative Secretary
Administrative Secretary
Administrative Secretary
Administrative Secretary
Administrative Secretary

Laurette Greenlay
Mary Jarowec
Pat Markotjohn
Elaine Pociuk
Shelley Riopka
Leona Van Osch

SUMMARY OF CASE MANAGEMENT FILES (2005)

Number of Files as at January 1, 2005	273
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Number of Files Disposed of:

Resolved	139
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Withdrawn	37
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Proceed to Hearing	97
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Number of Files Scheduled for hearing	65
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Number of Files Scheduled for hearing, and	
--	--

- Resolved prior to Hearing	5
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- Withdrawn prior to Hearing	8
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Total Number of Files Disposed of at December 31 st	189
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Number of Outstanding Files to be scheduled at December 31 st	
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<u>32</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

CONSOLIDATED SUMMARY OF ACTIVITY

A summary of all Applications, Appeals and Referrals set forth on pages 9 to 29.

	<u>2004</u>	<u>2005</u>
Applications, Appeals and Referrals Outstanding as at January 1 st	1,503	1,087
New Applications, Appeals and Referrals Received	<u>388</u>	<u>935</u>
	1,891	2,022

Applications, Appeals and Referrals Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Approved and Appeals Allowed	406	534
Applications Rejected and Appeals Dismissed	150	58
Reports and Recommendations Submitted	12	17
Applications, Appeals and Referrals Withdrawn and/or Closed by Minute	<u>236</u>	<u>179</u>
	<u>804</u>	<u>788</u>
Applications, Appeals and Referrals Outstanding as at December 31 st	<u>1,087</u>	<u>1,234</u>

MISCELLANEOUS ACTS

The Municipal Board has responsibilities under other Statutes, but under which it has had no applications or active files in 2005.

The Acts are as follows:

City of Winnipeg Charter, S.M. 2002, c.39

The Expropriation Act, R.S.M. 1987, c.E190

The Health Services Insurance Act, R.S.M. c.H35

The Heritage Resources Act, S.M. 1985-86, c.10 - Cap. H39.1

The Highway Traffic Act, S.M. 1985-86, c.3 - Cap. H60

The Public Schools Act, R.S.M. 1987, c.P250

The Regional Waste Management Authorities Act, R.S.M. 1993, c.11-Cap R38

The Water Resources Administration Act, R.S.M. 1987, c.W70

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL ACT, S.M. 1996, c. 58 - Cap. M225

Applications to amalgamate two or more municipalities or for the annexation by a municipality of land from another municipality: Section 34

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	5	4
Applications Received	<u>2</u>	<u>2</u>
	7	6

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Reports and Recommendations Submitted to the Minister of Intergovernmental Affairs	3	3
Applications Withdrawn and/or Closed by Minute	0	0
	<u>3</u>	<u>3</u>
Applications Outstanding as at December 31 st	<u>4</u>	<u>3</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL ACT, S.M. 1996, c. 58 - Cap. M225

Applications for approval of borrowing: Section 172 *et seq.*

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	0	2
Applications Received	<u>15</u>	<u>25</u>
	15	27

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Approved	13	27
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	0
	<u>13</u>	<u>27</u>
Applications Outstanding as at December 31 st	<u>2</u>	<u>0</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL ACT, S.M. 1996, c. 58 – Cap. M225

Applications for approval of By-laws respecting local improvements Sections 311 & 320

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	1	8
Applications Received	<u>63</u>	<u>61</u>
	64	69

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Approved	56	65
Applications Rejected	0	1
Applications Withdrawn and/or Closed by Minute	0	1
	<u>56</u>	<u>67</u>
Applications Outstanding as at December 31 st	<u>8</u>	<u>2</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL ACT, S.M. 1996, c. 58 – Cap. M225

Applications for approval of By-laws respecting Special Services Sections 312 & 320

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	1	1
Applications Received	<u>5</u>	<u>9</u>
	6	10

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Approved	4	10
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	1	0
	<u>5</u>	<u>10</u>
Applications Outstanding as at December 31 st	<u>1</u>	<u>0</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL ACT, S.M. 1996, c.58 - Cap. M225

Application to review a By-law that divides a Municipality into Wards and establishes ward boundaries or a By-law that eliminates wards or changes the number of wards or ward boundaries. Section 89(1)

	<u>2004</u>	<u>2005</u>
Applications outstanding as at January 1 st	0	1
Applications received as at January 1 st	<u>1</u>	<u>0</u>
	1	1

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Allowed	0	0
Applications Referred back to Council for further consideration	0	1
Applications Withdrawn and/or Closed by Minute	0	0
	<u>0</u>	<u>1</u>
Applications Outstanding as at December 31 st	<u>1</u>	<u>0</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL ASSESSMENT ACT, S.M. 1989-90, c.24 - Cap. M226

Appeals respecting the assessment and classification of property in The City of Winnipeg
Section 56(2)

	<u>2004</u>	<u>2005</u>
Appeals Outstanding as at January 1 st	1,314	985
* Appeals Received	<u>217</u>	<u>628</u>
	1,531	1,613
Appeals Disposed of:		
	<u>2004</u>	<u>2005</u>
** Appeals Allowed	264	392
Appeals Dismissed	83	34
Appeals Withdrawn and/or Closed by Minute	199	166
	<u>546</u>	<u>592</u>
Appeals Outstanding as at December 31 st	<u>985</u>	<u>1,021</u>

- * Includes appeals by the Assessor for The City of Winnipeg as well as by ratepayers.
- ** Includes all appeals where the assessment has been increased or decreased, or the classification changed.

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL ASSESSMENT ACT, S.M. 1989-90, c.24 - Cap. M226

Appeals respecting the assessment and classification of property outside The City of Winnipeg: Section 56(2)

	<u>2004</u>	<u>2005</u>
Appeals Outstanding as at January 1 st	163	62
* Appeals Received	<u>16</u>	<u>142</u>
	179	204
Appeals Disposed of:		
	<u>2004</u>	<u>2005</u>
** Appeals Allowed	36	20
Appeals Dismissed	57	6
Appeals Withdrawn and/or Closed by Minute	24	4
	<u>117</u>	<u>30</u>
Appeals Outstanding as at December 31 st	<u>62</u>	<u>174</u>
* Includes appeals by the Provincial Municipal Assessor as well as by ratepayers.		
** Includes all appeals where the assessment has been increased or decreased, or the classification changed		

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL ASSESSMENT ACT, S.M. 1989-90, C.24 Cap. M226

Applications to have assessments redone: Section 60(3)

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	1	0
Applications Received	<u>0</u>	<u>0</u>
	1	0

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Allowed	0	0
Applications Dismissed	1	0
Applications Withdrawn, and/or Closed by Minute	0	0

	<u>1</u>	<u>0</u>
Applications Outstanding as at December 31 st	<u>0</u>	<u>0</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL BOARD ACT, R.S.M. 1987, c.M240

Applications to review, rescind, change, alter or vary a decision or order made by the Board
Section 46(3)

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	5	5
Applications Received	<u>19</u>	<u>9</u>
	24	14

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Orders Revised	13	3
Applications Rejected	5	9
Applications Withdrawn and/or Closed by Minute	1	0
	<u>19</u>	<u>12</u>
Applications Outstanding as at December 31 st	<u>5</u>	<u>2</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL BOARD ACT, R.S.M. 1987, c.M240

Applications to vary, cancel, or substitute a Building Restriction Caveat:
Section 104(1) et seq.

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	0	0
Applications Received	<u>6</u>	<u>6</u>
	6	6

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Granted	6	3
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	1

	<u>6</u>	<u>4</u>
Applications Outstanding as at December 31 st	<u>0</u>	<u>2</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL BOARD ACT, R.S.M. 1987, c.M240

Applications for Cancellation of Plans of Subdivision: Section 95(1)

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	0	0
Applications Received	<u>0</u>	<u>1</u>
	0	1

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Granted	0	0
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	0
	<u>0</u>	<u>0</u>
Applications Outstanding as at December 31 st	<u>0</u>	<u>1</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE MUNICIPAL BOARD ACT, R.S.M. 1987, c.M240

Complaint that a Local Authority, Corporation or any person has unlawfully done or unlawfully failed to do, or is about to unlawfully do or not to do something relating to a matter over which The Municipal Board has jurisdiction: Section 34

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	0	0
Applications Received	<u>1</u>	<u>0</u>
	1	0

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Granted	0	0
Applications Rejected	1	0
Applications Withdrawn and/or Closed by Minute	0	0
	<u>1</u>	<u>0</u>
Applications Outstanding as at December 31 st	<u>0</u>	<u>0</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE PLANNING ACT, R.S.M. 1987, c.P80

Applications to establish a Planning District or to withdraw from a Planning District referred to the Board by the Minister. Section 12(1) *et seq.*

	<u>2004</u>	<u>2005</u>
Referrals Outstanding as at January 1 st	1	0
Referrals Received	<u>0</u>	<u>2</u>
	1	2
Referrals Disposed of:		
	<u>2004</u>	<u>2005</u>
Reports and Recommendations Submitted to the Minister of Intergovernmental Affairs	1	2
Referrals Withdrawn and/or Closed by Minute	0	0
	<u>1</u>	<u>2</u>
Referrals Outstanding as at December 31 st	<u>0</u>	<u>0</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE PLANNING ACT, R.S.M. 1987, c.P80

Objections to a By-law to adopt and/or amend a Development Plan or Basic Planning Statement filed with the Minister and referred to the Board: Section 30(4) *et seq*

	<u>2004</u>	<u>2005</u>
Referrals Outstanding as at January 1 st	3	7
Referrals Received	<u>13</u>	<u>9</u>
	16	16
Referrals Disposed of:		
	<u>2004</u>	<u>2005</u>
Reports and Recommendations Submitted to the Minister of Intergovernmental Affairs	8	12
Referrals Withdrawn and/or Closed by Minute	1	0
	<u>9</u>	<u>12</u>
Referrals Outstanding as at December 31 st	<u>7</u>	<u>4</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE PLANNING ACT, R.S.M. 1987, c.P80

Applications for approval of Zoning By-laws: Section 43(1) *et seq*

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	3	2
Applications Received	<u>10</u>	<u>7</u>
	13	9

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Approved	9	7
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	2	0
	<u>11</u>	<u>7</u>
Applications Outstanding as at December 31 st	<u>2</u>	<u>2</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE PLANNING ACT, R.S.M. 1987, c.P80

Appeals from decisions of the Approving Authority (subdivision of land)
Section 68(1) *et seq*

	<u>2004</u>	<u>2005</u>
Appeals Outstanding as at January 1 st	5	4
Appeals Received	<u>7</u>	<u>18</u>
	12	22

Appeals Disposed of:

	<u>2004</u>	<u>2005</u>
Appeals Allowed	1	5
Appeals Dismissed	2	4
Appeals Withdrawn and/or Closed by Minute	5	5
	<u>8</u>	<u>14</u>
Appeals Outstanding as at December 31 st	<u>4</u>	<u>8</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE WATER RIGHTS ACT, R.S.M. 1988, c.W280

Appeals against an order or decision of the Minister under this Act: Section 24

	<u>2004</u>	<u>2005</u>
Appeals Outstanding as at January 1 st	2	6
Appeals Received	<u>9</u>	<u>12</u>
	11	18

Appeals Disposed of:

	<u>2004</u>	<u>2005</u>
Appeals Allowed	0	0
Appeals Dismissed	2	3
Appeals Withdrawn and/or Closed by Minute	3	2
	<u>5</u>	<u>5</u>
Appeals Outstanding as at December 31 st	<u>6</u>	<u>13</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE SPECIAL SURVEY ACT, R.S.M. 1987, c.S190

Complaints against Plan of Special Survey: Section 6

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	0	0
Applications Received	<u>1</u>	<u>1</u>
	1	1

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Allowed	1	0
Applications Dismissed	0	0
Applications Withdrawn and/or Closed by Minute	0	0
	<u>1</u>	<u>0</u>
Referrals Outstanding as at December 31 st	<u>0</u>	<u>1</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE PUBLIC LIBRARIES ACT, R.S.M. 1987, c.P220

Applications for the authorization of municipal By-laws establishing Municipal Public Libraries: Section 9(2)

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	0	0
Applications Received	<u>1</u>	<u>0</u>
	1	0

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Approved	1	0
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	0
	<u>1</u>	<u>0</u>
Applications Outstanding as at December 31 st	<u>0</u>	<u>0</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE PUBLIC LIBRARIES ACT, R.S.M. 1987, c.P220

Applications for the authorization of municipal By-laws establishing Regional Public Libraries: Section 22(2)

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	0	0
Applications Received	<u>2</u>	<u>2</u>
	2	2
Applications Disposed of:		
	<u>2004</u>	<u>2005</u>
Applications Approved	2	2
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	0
	<u>2</u>	<u>2</u>
Applications Outstanding as at December 31 st	<u>0</u>	<u>0</u>

SUMMARY OF APPLICATIONS, APPEALS AND REFERRALS (2004 & 2005)

THE REAL PROPERTY ACT, R.S.M. 1988, c.R30

Application to dispose with signature of non-consenting owner/caveator in regard to plan of subdivision: Section 117(g)

	<u>2004</u>	<u>2005</u>
Applications Outstanding as at January 1 st	0	0
Applications Received	<u>0</u>	<u>1</u>
	0	1

Applications Disposed of:

	<u>2004</u>	<u>2005</u>
Applications Approved	0	0
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	0

	<u>0</u>	<u>0</u>
Applications Outstanding as at December 31 st	<u>0</u>	<u>1</u>

CAPITAL BORROWING OF LOCAL AUTHORITIES

The 2005 activity relating to Municipal borrowing has increased from that of 2004. This is indicated in the number of applications received and the dollar amount borrowed. Borrowing purposes for the two years are summarized as follows:

	<u>2004</u>	<u>2005</u>
New Applications	64	85
Borrowing Authorized		
Water and Sewer	\$20,604,107	\$17,778,348
Streets, Sidewalks, Lighting	4,485,131	3,363,288
Municipal Buildings, Libraries, Community Centres, Arenas	900,000	22,380,936
Machinery and Equipment	196,500	381,160
Natural Gas	235,000	490,648
Land Purchases and Development	183,000	3,452,535
Other	<u>2,196,319</u>	<u>4,376,667</u>
TOTAL	\$29,800,057	\$52,223,582

Details of the amounts of borrowing authorized for each individual municipality are shown on pages 32 to 36 (City of Winnipeg borrowing, which is not subject to Municipal Board approval, is not included in the above figures).

The amounts of debentures issued and marketed in 2005 as compared to 2004 are summarized as follows:

<u>PURCHASER</u>	<u>2004</u>	<u>2005</u>
Credit Unions	\$ 2,560,674	\$ 5,790,650
Banks	316,000	184,000
General Public	27,850	0
Fiscal Agent	232,095	867,802
Municipal Reserve Funds	1,015,998	432,838
Minister of Finance	<u>12,915,037</u>	<u>10,416,502</u>
TOTAL	\$17,067,654	\$17,691,792

The interest rates payable by Municipalities on debentures issued in 2005 have remained relatively constant with 2004 rates. A comparison of average interest rates, weighted according To Whom It May Concern: each class of purchase is summarized as follows:

<u>PURCHASER</u>	<u>2004</u>	<u>2005</u>
Credit Unions	5.61%	5.41%
Banks	4.00%	5.05%
General Public	6.25%	N/A%
Fiscal Agent	6.19%	5.625%
Municipal Reserve Funds	5.50%	4.89%
Minister of Finance	6.16%	5.53%

The Municipal Board issued a total of 182 municipal borrowing By-law Board Orders. These Board Orders authorized, but were not limited to, the following:

- a) authorization of certain projects and the borrowing of monies;
- b) the issuance of debentures;
- c) the reduction or increase of the authorized borrowing; and
- d) the cancellation of authorized but unissued borrowing.

MUNICIPAL BORROWING BY LAWS AUTHORIZED IN 2005

LOCAL AUTHORITY	BOARD ORDER No.	RATE %	TERM YEARS	WATER AND SEWER	MUNICIPAL BUILDING, ETC.	NATURAL GAS	LAND PURCHASE & DEVELOPMENT	ROADS/ PAVING	MACHINERY & EQUIPMENT	OTHER PROJECTS
Thompson, R M	E-05-001	8 00	20	250,000 00						
Morris, R M	E-05-003	8 50	20					350,000 00		
South Norfolk, R M	E-05-006	5 50	15	111,333 34						
The Pas, Town	E-05-007	7 00	20		2,000,000 00					
La Broquerie, R M	E-05-011	7 00	20							
Snow Lake, Town	E-05-012	8 75	20	800,000 00						2,000,000 00
Steinbach, City	E-05-014	7 00	5							
Steinbach, City	E-05-015	7 00	5	600,000 00						1,000,000 00
Ste. Rose du Lac, Town	E-05-020	5 00	5						55,860 00	
Mountain, R M	E-05-025	6 75	20	121,300 00						
Pinawa, L G D	E-05-026	4 75	10	521,000 00						
Morris, Town	E-05-028	6 25	15		1,200,000 00					
Swan River, Town	E-05-029	8 00	10		500,000 00					
Dauphin, City	E-05-031	7 00	10		3,165,000 00					
Dauphin, R M	E-05-032	8 00	20		1,022,266 00					
Boissevain, Town	E-05-043	7 00	10		300,000 00					
Ste. Anne, Town	E-05-045	8 00	15							
Lansdowne, R M	E-05-047	8 00	20	828,500 00				136,500 00		
Brokenhead, R M	E-05-055	6 00	10		500,000 00					
Mountain, R M	E-05-057	7 25	20	403,348 00						

MUNICIPAL BORROWING BY-LAWS AUTHORIZED IN 2005

LOCAL AUTHORITY	BOARD ORDER NO.	RATE %	TERM YEARS	WATER AND SEWER	MUNICIPAL BUILDING, ETC.	NATURAL GAS	LAND PURCHASE & DEVELOPMENT	ROADS/PAVING	MACHINERY & EQUIPMENT	OTHER PROJECTS
Winkler, City	E-05-064	7.50	10					510,400.00		
Morden, Town	E-05-065	6.00	10					60,000.00		
Morden, Town	E-05-066	6.00	10					31,000.00		
Morris, R.M.	E-05-067	6.25	10	700,525.00						
Rapid City, Town	E-05-068	8.00	15	100,000.00						
Plum Coulee, Town	E-05-070	6.00	5							
Tache, R.M.	E-05-073	7.25	10					100,000.00		
Whitehead, R.M.	E-05-074	5.00	20		325,000.00			122,379.00		
Springfield, R.M.	E-05-075	7.00	20	550,000.00						
St. Pierre-Jolys, Village	E-05-076	7.00	20							85,000.00
Morden, Town	E-05-077	5.63	10					49,400.00		
Pipestone, R.M.	E-05-079	0.00	0					0.00		
Shoal Lake, Town	E-05-080	8.00	15			235,000.00				
Somerset, Village	E-05-081	6.50	10							
Westbourne, R.M.	E-05-082	8.00	20	1,050,000.00				169,880.00		
Grandview, R.M.	E-05-084	7.50	10		130,000.00					
Thompson, City	E-05-085	6.63	10	650,000.00						
Roblin, Town	E-05-086	7.00	15	180,000.00						
Thompson, City	E-05-087	6.63	20		6,000,000.00					
Thompson, City	E-05-088	6.63	15				1,250,000.00			
Turtle Mountain, R.M.	E-05-089	7.00	15		1,500,000.00					

MUNICIPAL BORROWING BY LAWS AUTHORIZED IN 2005

LOCAL AUTHORITY	BOARD ORDER NO.	RATE %	TERM YEARS	WATER AND SEWER	MUNICIPAL BUILDING, ETC.	NATURAL GAS	LAND PURCHASE & DEVELOPMENT	ROADS/ PAVING	MACHINERY & EQUIPMENT	OTHER PROJECTS
Killarney, Town	E-05-090	7 00	20		2,000,000 00					
Stonewall, Town	E-05-096	6 00	15	900,000 00						
Roland, R M	E-05-099	6 50	10	8,000 00						
Morden, Town	E-05-100	7 50	10				1,502,535 00			
Gladstone, Town	E-05-101	8 00	5	400,000 00						
Gladstone, Town	E-05-101	8 00	20	850,000 00						
Beausejour, Town	E-05-102	10 00	15	219,269 00						
Virten, Town	E-05-103	8 50	5					675,000 00		
Russell, R M	E-05-106	5 45	4		125,000 00					
St Francois Xavier, R M	E-05-107	7 38	15		304,000 00					
Gimli, R M	E-05-108	6 00	20					200,000 00		
Tache, R M	E-05-109	7 50	10					30,300 00		
Powerview-Pinetails, Town	E-05-110	10 00	25	2,000,000 00						
Rosburn, Town	E-05-112	6 50	7					102,000 00		
Powerview-Pinetails, Town	E-05-113	10 00	10					50,000 00		
Morden, Town	E-05-114	7 50	15	2,500,000 00						
Lansdowne, R M	E-05-115	6 00	7							
Shoal Lake, R M	E-05-116	8 00	10			255,648 00			173,300 00	
De Salaberry, R M	E-05-118	8 00	20	90,000 00						

MUNICIPAL BORROWING BY LAWS AUTHORIZED IN 2005

LOCAL AUTHORITY	BOARD ORDER NO.	RATE %	TERM YEARS	WATER AND SEWER	MUNICIPAL BUILDING, ETC.	NATURAL GAS	LAND PURCHASE & DEVELOPMENT	ROADS/PAVING	MACHINERY & EQUIPMENT	OTHER PROJECTS
Portage La Prairie, R M	E-05-119	7 00	20	250,400 00						
Woodlands, R M	E-05-121	7 00	10		203,670 00					
Russell, Town	E-05-122	7 13	10	125,000 00						
Roland, R M	E-05-124	6 50	7	2,000 00						
Hamiota, Town	E-05-125	6 50	10					175,000 00		
Winkler, City	E-05-137	7 50	15		700,000 00					
Winkler, City	E-05-138	7 50	15		1,800,000 00					
Winkler, City	E-05-139	7 50	10		500,000 00					
Winkler, City	E-05-140	7 50	10	1,250,000 00						
Winkler, City	E-05-141	7 50	10	500,000 00						
Altona, Town	E-05-142	10 00	8 4		106,000 00					60,000 00
Altona, Town	E-05-143	10 00	6							65,000 00
Altona, Town	E-05-144	10 00	5 3							
Portage La Prairie, City	E-05-146	7 50	10					151,520 00		
DeSalaberry, R M	E-05-150	7 50	20	107,000 00						
MacDonald, R M	E-05-151	7 13	8	120,000 00						
Gimli, R M	E-05-153	8 00	20	86,100 00						
North Norfolk, R M	E-05-154	8 00	20	850,000 00						
North Norfolk, R M	E-05-154	8 00	5	200,000 00						
Portage La Prairie, City	E-05-155	7 50	10					46,909 09		

MUNICIPAL BORROWING BY LAWS AUTHORIZED IN 2005

LOCAL AUTHORITY	BOARD ORDER NO.	RATE %	TERM YEARS	WATER AND SEWER	MUNICIPAL BUILDING, ETC.	NATURAL GAS	LAND PURCHASE & DEVELOPMENT	ROADS/ PAVING	MACHINERY & EQUIPMENT	OTHER PROJECTS
Kelsey, R M	E-05-163	7 00	10						152,000 00	
Dauphin, City	E-05-165	6 75	20							1,166,667 00
Portage La Prairie, R M	E-05-167	7 00	5					253,000 00		
Portage La Prairie, R M	E-05-168	7 00	5	450,000 00						
Niverville, Town	E-05-169	7 00	15				700,000 00			
Rockwood, R M	E-05-170	6 00	10	4,573 00						
Morden, Town	E-05-171	7 50	10					150,000 00		

**REVENUE
FOR THE 12 MONTH PERIOD ENDING
DECEMBER 31, 2005
(unaudited)**

REVENUE

<u>Fees</u>	<u>2004</u>	<u>2005</u>
The Municipal Act	\$ 22,608.00	\$ 24,314.00
The Municipal Assessment Act	41,954.35	89,771.10
The Planning Act	875.00	1,850.00
Miscellaneous Acts	1,125.00	1,500.00
Distribution of Board Orders, Xerox Recoveries, etc.	5,347.90	4,629.40
GST	371.54	329.31
TOTAL REVENUE	<u>\$ 72,281.79</u>	<u>\$122,393.81</u>
Less Refunds	\$ 46,487.31	\$ 43,299.50
NET REVENUE	<u>\$ 25,794.45</u>	<u>\$ 79,094.31</u>

* This revenue is subject to Section 57(4) of *The Municipal Assessment Act* which requires the refund of fees to successful Appellants.



